

Serial No. 10/679,746

Remarks

The Examiner issued an election/restriction requirement over the pending claims which Applicants had traversed. The Examiner stated that Applicants' arguments were found persuasive and therefore the species pioglitazone and rosiglitazone were examined. Thus, the restriction was NOT proper and NOT made FINAL. Applicants request that the Examiner acknowledge this finding.

Applicants have amended the independent claims to import the limitation that a GLP-1 peptide agonist be limited to a GLP-1 molecule. These claims include Claims 23, 35, and 47. Applicants have also amended dependent claims to be consistent therewith. These claims include Claims 24, 25, 29, 30, 32, 36, 37, 41, 42, and 44. Applicants have also cancelled claims 28 and 40.

Double Patenting

The Examiner rejected Claims 23-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,660,716. Applicants enclose a terminal disclaimer herewith to overcome the Examiner's rejection and place the application in condition for allowance.

Summary and Conclusion

Applicants respectfully assert that the Examiner's double patenting rejection has been overcome and that the application is now in condition for allowance. If, for any reason, the Examiner feels that a telephone conversation would be helpful in expediting the prosecution of this case, the Examiner is urged to call me.

Respectfully submitted,

/Gregory A. Cox/

Gregory A. Cox
Attorney for Applicants
Registration No. 47,504
Phone: 317-277-2620

Eli Lilly and Company
Patent Division/GAC
Lilly Corporate Center
Indianapolis, Indiana 46285

November 20, 2006